

**TESTIMONY OF THE
AMERICAN PUBLIC TRANSIT ASSOCIATION
BEFORE THE
SUBCOMMITTEE ON SURFACE TRANSPORTATION
AND MERCHANT MARINE
OF THE
SENATE COMMITTEE ON COMMERCE, SCIENCE AND
TRANSPORTATION**

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Presented by

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APTA is a nonprofit international association of over 1,100 member organizations including transit systems; planning, design, construction and finance firms; product and service providers; academic institutions, and state associations and departments of transportation. APTA members serve the public interest by providing safe, efficient and economical transit services and products. Over ninety percent of persons using public transportation in the United States and Canada are served by APTA members.

Madam Chairman and Members of the Surface Transportation and Merchant Marine Subcommittee, I appreciate the opportunity to appear before you today to present the views of the American Public Transit Association (APTA) on the issue of rail safety.

My name is Lonnie Blades, and I am Vice President-Commuter Rail and Rail Management for Dallas Area Rapid Transit (DART). In partnership with the Ft. Worth Transportation Authority, DART operates Trinity Railway Express, the nation's newest commuter rail system. Since we began operations 14 months ago, Trinity Railway Express is proud to report steadily increasing ridership and a perfect rail safety record.

About APTA and Commuter Rail

APTA is a private, non-profit trade association that represents the North American transit industry. Established in 1882, APTA has more than 1,100 members, including local mass transit systems, manufacturers, suppliers and consultants. Most germane to this hearing, APTA's membership includes fourteen U.S. commuter railroads. These rail agencies transport over 1.2 million people every day, taking them to work, to shop, to school or to other economic and social activities.

Our recent report titled *Serving America's Emerging Suburban / Urban Economy* identifies commuter rail as an economic lifeline between cities and suburbs, generating benefits for the commuter and non-commuter alike. Demand for commuter rail service is on the rise. Overall commuter rail ridership increased almost ten percent between 1993 and 1996. In addition, at least 15 other U.S. communities have new commuter rail projects in the planning stages.

Commuter Rail and Safety

Safety has been and will continue to be a top priority for commuter railroads – a commitment that is reflected in their excellent safety records. Commuter rail agencies fully appreciate their public responsibility to operate safe systems for their riders and their employees and will continue to honor this commitment in the years ahead.

Just a few weeks ago, Federal Railroad Administrator Jolene Molitoris told a meeting of FRA's Rail Safety Advisory Committee that preliminary numbers indicate that 1997 was the safest year in railroad history in terms of train accident and employee injuries, both of which dropped sharply in 1997.

The railroad industry's long-term and short-term safety record is excellent. The overall train accident rate has fallen by 22 percent since 1990, and by an astonishing 56 percent since 1981. Derailments and employee injuries have shown similar improvement. Federal data reveal that railroads have lower employee injury rates than competing transportation modes and American industry generally. But as good as these numbers are, APTA's commuter rail members have not let success retard their efforts to make passenger rail service even safer.

Commuter Rail Safety Initiatives

Such success is attributable to a continuing commitment to rail safety on the part of the nation's commuter railroads, a commitment that is reflected in several new, innovative approaches to rail safety. Following are several of the new safety initiatives in which the nation's commuter railroads are participating:

- 1) *Passenger Rail Safety Standards (PRESS)*: Commuter railroads have contributed \$1.2 million toward the establishment of passenger rail equipment safety standards. An industry task-force including representatives from the passenger railroads, rail labor equipment manufacturers and governmental agencies are setting mandatory standards for safety critical functions, as well as identifying and recommending good practices for passenger equipment design and maintenance. To date, 17 safety standards or practices have been adopted, and an additional 40 are in process for adoption by the end of 1998.
- 2) *System Safety Plans*: All commuter rail agencies voluntarily established system safety plans in 1997. Such plans were in accordance with recently adopted industry procedures titled *Guide to Establishing Commuter Rail System Safety Plans*. All 14 U.S. commuter railroads have completed their Plans. System Safety is a system-wide approach to safety in which every employee and supervisor is responsible for the safe operation of the railroad. The system safety approach analyses every aspect of a railroad's operation in terms of the potential safety hazards. These safety hazards are then acted upon in the most appropriate manner with priority given based upon the severity and likelihood of the hazard.
- 3) *Commuter Rail System Safety Management Program*: Under this program, APTA audits the system safety management practices of its members to determine if the commuter rail system safety programs are effective and how individual railroad's system safety efforts can be improved. APTA is working with the FRA to coordinate our Commuter Rail System Safety Management Program with the FRA's Safety Assurance and Compliance Program in order to provide coordinated and effective assistance to the nation's commuter railroads in safety matters.
- 4) *Rail Safety Advisory Committee (RSAC)*: Formed in March 1996, RSAC represents a significant advance in FRA's rulemaking process. We applaud the FRA's move to consensus-based rulemaking, and fully support the RSAC process. Experts from throughout the rail industry are working together in technical working groups to establish standards on Emergency Preparedness, Radio Communication, Event Recorders, Roadway Worker Safety, Locomotive Crashworthiness, Positive Train Control, and other areas. We consider this participatory process involving rail labor and management and the FRA to be the most effective way to identify safety improvements that will result in significant safety improvements for rail passengers and employees.

Commuter railroads continually review the human factors involved in train operations to find ways to improve the safety of operations while maintaining cost-effective service. They invest millions of dollars in training and other employee education programs. For example, just last week APTA, FRA and FTA sponsored a highly successful seminar on worker fatigue that attracted over a hundred rail labor and management officials from across the country. Workshop participants developed an eight point action plan focused on the educational and training efforts that constitute the critical first steps toward enhanced fatigue management and fitness for duty programs at our member railroads.

Self Regulation: Critical to Safety

A key aspect in Commuter Rail safety performance is its emphasis on self-regulation. The success of self-regulation is clearly demonstrated in the commuter rail industry's safety record. Our commuter railroads are proactive about safety performance and have worked hard to develop industry-wide safety standards, and they routinely identify and address safety problems without waiting for regulatory intervention. An example of this is the system safety plans noted above which were voluntarily put into operation by commuter railroads in 1997.

APTA encourages the Subcommittee to reauthorize the Rail Safety Act provisions as they are currently written and to support the FRA's consensus-based approach to regulation. APTA considers it unnecessary and unproductive to use Rail Safety legislation as a vehicle for new federal statutes. Additional statutory requirements could divert limited resources away from projects which foster rail safety and enhance passenger rail transportation or alternatively, result in increased passenger fares which cause rail riders to return to their cars, a far more hazardous mode of transportation.

Rail Safety User Fees: Inequitable and Counterproductive

APTA thanks the Senate for its support in 1995 to sunset the use of Rail Safety User Fees and strongly urges the Subcommittee to reject any proposal to re-impose these fees on passenger and freight railroads, as it did in the FY 1998 budget deliberations. Industries whose safety is monitored by the Occupational Safety and Health Administration (OSHA) do not pay user fees to OSHA for its regulatory programs. Likewise, railroads should not have to pay safety user fees to the FRA to pay for its regulation of the rail industry. APTA further notes that the public interest is not served by having public agency commuter railroads send their public subsidies to the federal government.

Other Safety Issues

We note that over ninety percent of all rail-related fatalities involve either grade crossings or trespassers. Most often, rail operators have limited control over these types of fatalities. However there are four major ways to address the problem: elimination of unnecessary grade crossings; installation of safety devices; increased enforcement of highway traffic laws; and public education such as that provided through Operation Lifesaver and many commuter railroads, including DART.

We need to eliminate or improve grade crossings to be particularly effective. APTA favors a provision in the pending ISTEA Reauthorization bill, S-1173, which would reauthorize the Section 130 Program to establish a minimum guarantee for grade crossing projects. Under current law, states are free to use funds for either grade crossings or for “hazard elimination” projects, which can include work such as shoulder widening and traffic circle elimination.

APTA urges Congress to encourage federal regulators to shift to measuring safety performance in terms of real-world results, to move away from the one-size-fits-all approach to safety regulation, a move that is in accord with regulatory initiatives in other federal programs such as pipeline safety. To the degree that regulation occurs, APTA urges that the principles of the Administrative Procedure Act be adhered to, especially with respect to the requirements for prior notice and comment.

Finally, we note that many communities are undertaking commuter rail and rail transit projects in traditional rail freight corridors. This is quite logical, as the use of existing rights of way can often minimize the adverse impacts of dislocation. However, to the degree that passenger operations and freight operations are obliged to co-locate in the same corridors, it is imperative that they cooperate with one another in doing so. This is a safety issue as well as an access issue. We ask that the Subcommittee urge the Surface Transportation Board to develop procedures that provide for the quick and fair handling of rail access disputes where cooperation is required to maintain rail safety.

Conclusion

The nation’s commuter railroads have demonstrated a strong commitment to enhancing the safety of their passengers, employees and the American public, a commitment that continues to be a top priority. We urge the Senate to reauthorize the Rail Safety Act as it is currently written, building on and strengthening the successful consensus-based rulemaking efforts that the FRA has established. We feel this may be the ideal time to move towards a more performance or experience-based process already embraced by other transportation modes.

Thank you for the opportunity to testify. I would be happy to answer any questions or provide any additional information that may be useful to the Subcommittee.